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In re Application of	:	OFFICE OF PETITIONS
Eckert et al.	:	
Application No. 09/916,636	:	DECISION ON PETITION
Filed: 07-26-2001	:	
Attorney Docket No. 9365.17031	:	

This is a decision on the petition under 37 CFR 1.181, filed on January 31, 2007, to withdraw the holding of abandonment.

On June 7, 2006, the Office mailed a nonfinal Office action, which set a three-month shortened statutory period to reply. In the apparent absence of a timely response, the Office mailed a Notice of Abandonment on January 19, 2007.

Petitioner asserts that a proper reply was filed timely. In support of the assertion, petitioner submits a copy of a return date-stamped postcard, acknowledging receipt of "Amendment and Response to Office Action of June 7, 2006," in the USPTO on August 25, 2006. A copy of the previously submitted reply accompanies the petition.

The Office has not located the original reply. Nevertheless, "[a] post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO." MPEP 503. Accordingly, it is concluded that the reply was filed timely in the USPTO on August 25, 2006, but was not matched with the application.

For the reasons stated above, the petition is **granted**. The holding of abandonment is hereby withdrawn and the application restored to pending status. The Office will accept the copy of the reply submitted with the petition on January 31, 2007, in place of the reply submitted on August 25, 2006.

This matter is being referred to Technology Center Art Unit 3711 for appropriate action on the reply received with petition.

Telephone inquiries specifically concerning this decision should be directed to the undersigned at (571) 272-3211. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

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